

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, JUNE 6, 2001.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Acting Secretary

Members Absent: Walter Montgomery

Also Present: Lino J. Sciaretta, Village Counsel
Brenda Livingston & Joseph Elliot, Ad Hoc Planning
Board Members
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Robert Citarell, Environmental Conservation Board
Applicants and other persons mentioned in these Minutes
Members of the Public.

**IPB Matters
Considered:**

94-03 - Westwood Development Associates, Inc.

Sht.10,P25J2,25K2,Sht.10C,BI.226,Lots 25A,26A
Sht. 11, P-25,P25J

98-44 – Ciccio & Chernick

Sht. 10C, Bl. 226, Lot 25

00-19 – Northwest Neu Corp.

Sht. 10C, Bl. 22, Lot 3A

00-28 – Bridge Street Properties, LLC

Sht. 3, P-103

00-40 – Astor Street Associates, LLC

Sht. 7, Portion of P-25000

01-03 – John & Miriana Lubina

Sht. 10B, Bl. 229, Lot 50A

01-18 – Laurence & Ronna Rudolph

Sht. 12A, P-1A1

01-21 – Irish & Scott Resubdivision/Lot Line Change

Sht. 12B, Lot #59 & 60

01-22 – Arkady Selenow

Sht. 13, P-131A,131J,131C

01-23 – Peter & Emily Eccles

Sht. 13B, P-17A

01-24 – Eric & Beatrice Goldsmith

Sht. 12A, P-91D,91C,91H2,91J,91K2

01-25 – Melissa King

Sht. 7B, Bl. 249, Lot 12

01-26 – Danfor Realty

Sht. 13B, P-5, P-5C

01-27 – Tom Biaggi

Sht. 12B, Lot 11

01-28 – Cathy SanAntonio

Sht. 10B, Bl. 232, Lot 17A,20A,20B

01-29 – Daniel & Deborah Hargraves

Sht. 8, Bl. 221, Lot 8, 17C

01-30 – Mr. & Mrs. Henry Hall

Sht. 11, P-27J

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

- With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.
- Two matters, IPB #01-18 Rudolph and IPB #01-26 Danfor were noted on the Agenda as Open Space Inventory items, requiring a comment period by the ECB prior to consideration by the Planning Board. The ECB provided a letter dated June 5, 2001 which provided comments on matters on the Planning Board's June agenda; therefore the Planning Board proceeded to hear these two agenda entries.
- The Chairman also noted that he had signed the subdivision plat for the Ciccio and Chernick application (#98-44), which included certain notations/corrections by Ralph Mastromonaco dealing with engineering issues.
- The Chairman reported that Mercy College provided certain data required by the Special Permit (IPB #00-21) relating to, inter alia, traffic and enrolled students. The data are set forth in a letter dated May 2, 2001, which is attached to these Minutes.

IPB Matter #01-16:

Application of Joseph & Denise Ciccio for Site Development Plan Approval for property at Riverview Road.

No action was taken on this matter, which was carried over to the next meeting on July 11, 2001.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Charles Pateman appeared for the Applicant. Mr. Pateman submitted a letter, dated May 29, 2001, requesting that the Board consider proceeding with final site plan approval as to only Tract A. The Board responded that pending any significant changes to the property, there would be no tract bifurcation of the approval process and that the Applicant should proceed as to all Tracts. No further action was taken on this matter, which was carried over to the July 11, meeting.

IPB Matter #01-28:

Application of Cathy SanAntonio for Waiver of Site Development Plan Approval for property at 10 Center Street.

Susan Riordan, Architect, appeared for the Applicant. The Application relates to a proposed addition of a 44 ft. x 8 ft. deck at the back of a single family residence. Drawings submitted were: Land Survey prepared for Cathy SanAntonio by Anthony A. Sorace, P.L.S., dated July 24, 1997; and plans entitled: Cathy SanAntonio Residence, Deck Addition, by Susan M. Riorden, A.I.A. dated May 22, 2001, (3 sheets). Mr. Mastromonaco had no comments and there were no comments from the public.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action under SEQRA.

After discussion, on motion duly made and seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection and will not require major site disturbance or removal of any significant trees (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan Submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending

any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #01-29:

Application of Daniel & Deborah Hargraves for Waiver of Site Development Plan Approval for Property at 14 Bertha Place.

Anthony Federico, Architect, appeared for the Applicant. The Application relates to the proposed interior renovation of an existing kitchen and interior finishing of an existing garage, with no increase in the building footprint. Applicant submitted: Survey by Aristotle Bournazos, P.C. dated December 4, 1991, and plans entitled: House Renovation by Federico Associates dated April 13, 2001, (2 sheets). Mr. Mastromonaco had no comments and there were no comments from the public.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action for SEQRA purposes.

After discussion, on motion duly made and seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection and will not require major site disturbance or removal of any significant trees (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan Submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this application.

IPB Matter 01-23:

Application of Peter & Emily Eccles for Site Development Plan Approval for property at One Cyrus Field Road.

Fred Gottlieb, Architect, appeared for the Applicant. The Application relates to a proposed one-story addition off of the existing kitchen and a two and one-half story

addition for a total increase in the footprint of the building of 290 square feet. Plans entitled: Residence of Mr. & Mrs. Peter R. Eccles by Ferdinand Gottlieb Associates dated June 6, 2000, revised March 21, 2001 (3 sheets), and Survey of Property prepared for Joseph & Fannie Ringl by Ward Carpenter Engineers dated June 10, 1948 were submitted.

The Applicant confirmed that the survey, although old, is accurate. In response to Mr. Mastromonaco's comments (memo dated May 31, 2001), the Applicant agreed to submit topography and confirmation of the sewer easement.

The Board confirmed that the Application is complete and, because of the location of the property on Cyrus Field Road, advised the Applicant that there must be a public hearing on the Application for Site Development Plan Approval, which the Board set for July 11, 2001.

IPB Matter #01-18:

**Application of Laurence & Ronna Rudolph for
Site Development Plan Approval for
Resubdivision/Lot Line Change for property at
56 Manor Pond Lane.**

David Steinmetz, Esq., appeared for the Applicant. The Board opened the public hearing on the proposed resubdivision of Lot 14 (Legend Hollow) and P-1A1 (adjacent Goldsmith property). Mr. Steinmetz confirmed that he spoke with one affected property owner who had not received Notice of the public hearing and such owner confirmed he had no objection.

The proposed resubdivision involves the transfer of a small portion of Parcel 1A1 to Lot 14, but there is no increase in the building capacity of the Lots. The Applicant explained that there is a utility easement over the Rudolph property benefiting the adjacent Goldsmith property. The result of the resubdivision does not increase or decrease the easement, as the adjusted parcels are already benefited by, and (the Applicant acknowledges) will continue to be benefited by, the easement. Accordingly there is no need formally to extend the easement. There were no comments from the public or Mr. Mastromonaco.

The Board closed the public hearing and the Board determined that this was a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board approved the resubdivision, and authorized the Chairman and the Secretary to sign the resubdivision plat, entitled Re-Subdivision and Re-Appportionment prepared for Laurence & Ronna Rudolph, Deena Goldsmith, dated February 20, 2001, prepared by William H. Free, Ward Carpenter Engineers, Inc.

IPB Matter #01-21:

Application of John & Susan Irish and David & Cyndi Scott for Resubdivision/Lot Line Change For Lots 59 & 60, Legend Hollow.

David Steinmetz, Esq., appeared for the Applicant. The Application relates to a proposed lot line change by which a small portion of Lot 60 will be transferred to Lot 59 in Legend Hollow. The Board opened the public hearing on this matter. There were no comments from the public or Mr. Mastromonaco. The Building Inspector indicated that there was no frontage issue with regard to this Application.

The Board closed the public hearing and the Board determined that this was a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board approved the resubdivision, and authorized the Chairman and the Secretary to sign the resubdivision plat entitled Re-Appportionment & Re-Subdivision Map prepared for Irvington Associates Inc., dated April 9, 2001, prepared by William H. Free, Ward Carpenter Engineers, Inc.

IPB Matter #01-27:

Application of Tom Biaggi for Site Development Plan Approval for property at 59 Manor Pond Lane.

Matthew Behrens, Architect, appeared for the Applicant. The Application relates to the proposed expansion of a wood deck at the rear of the residence from 250 to 650 square feet.

Mr. Mastromonaco had no engineering concerns and there were no comments from the public. The Board confirmed that the Application was complete, but that it could not waive approval as originally requested as the property abuts the Cyrus Field Road buffer; as such, it scheduled a public hearing for Site Development Plan Approval for the July 11th meeting.

IPB Matter #01-03:

Application of John & Miriana Lubina for Site Development Plan Approval for property at 3 Hudson Avenue.

Radoslav Opacic and Anthony Schembri of Opacic Architects, and Jim Ryan of John Meyer Engineering, appeared on behalf of the Applicant. The Application relates to the proposed extension of a residence and a construction of a new one-car garage. The Applicant was referred to the Planning Board by the Zoning Board of Appeals, prior to its rendering a decision regarding a requested variance.

Mr. Mastromonaco noted the following concerns:

- need for rear yard setback variance
- erosion control
- drainage calculations
- detail for the proposed driveway
- site grading plan equivalent
- signature and seal of the engineer.

Both Mr. Mastromonaco and the Environmental Conservation Board noted the need to provide erosion control measures and a careful analysis of the effect on the flood plain. The Applicant agreed to meet with Mr. Mastromonaco. The matter was carried over to the July 11 meeting.

IPB Matter #01-24:

Application of Eric & Beatrice Goldsmith for Site Development Plan Approval for property at 73 Havemeyer Road.

Michael Esmay appeared for the Applicant. The Application relates to the proposed construction of a garage and an addition of approximately 1,540 square feet.

The Environmental Conservation Board commented that the property is serviced by a septic system, and Mr. Mastromonaco indicated that the Health Department would address if the existing system would be sufficient.

Mr. Mastromonaco noted that (i) a front yard variance may be required, (ii) drainage control plans are essential and (iii) the Applicant should consider connecting to the Village sewer, if available. Issue was also raised as to whether the setback should be measured from the common driveway, and the location of the building addition within the drip line of several trees.

The Applicant agreed to address these concerns and to provide the Board with a copy of the driveway easement. The matter was carried over to the July 11 meeting.

IPB Matter # 01-25:

Application of Melissa King for Site Development Plan Approval for property at 62 West Clinton Avenue.

Robert Reilly, Architect, appeared for the Applicant. The Application relates to the expansion of an existing deck and the construction of a master bedroom in existing attic space.

The Board requested that the Applicant provide floor coverage and height calculations to determine compliance with applicable zoning requirements. The Building Inspector indicated he would review this application with regard to the use of the third floor for a bedroom.

The matter was carried over to the July 11 meeting.

IPB Matter #01-22:

**Application of Arkady Selenow for Waiver of
Site Development Plan Approval for property at
32 Osceola Avenue.**

William Youngblood, P.E., appeared for the Applicant. The Application relates to the construction of a 20 ft. x40 ft. outdoor swimming pool. Drawings submitted were: Survey of Property prepared for Rosalie Sauter by Charles Riley dated September 2, 1999, and Pool Plot Plan for Arkady Selenow by William Youngblood Associates dated April 16, 2001

The Environmental Conservation Board noted that (i) the Plan lacks an appropriate water discharge plan and (ii) the tree wells are insufficient for protection.

The Board discussed the screening requirements for pools, and the Applicant was instructed to resubmit coverage calculations to include the pool and other elements as defined in Zoning Ordinance; such recalculations may result in a need to redesign the project or seek a variance. The Applicant indicated that they would address these issues, and the matter was carried over to the July 11th meeting.

This matter was carried over to the July 11 meeting.

IPB Matter #01-30:

**Application of Mr. & Mrs. Henry Hall for
Waiver of Site Development Plan Approval for
property at 200 Mountain Road/Peter Bont.**

Wayne Timonen appeared for the Applicant. The Application relates to the proposed alteration of and addition to an existing residence, including converting an existing 2 car garage. Plans submitted were: Survey of Property prepared for Henry & Geraldine Hall by Ward Carpenter Engineers Inc. dated August 20, 1998, and Hall Residence, A Multi-Part Alteration/Addition by G A L Associates, dated May 22, 2001, Sht. A-S, A-1,A-2,A-3,A-5,A-7,A-9,A-11,A-12, A-13.

The Environmental Conservation Board noted the need for (i) an analysis of the impact on the septic system, (ii) erosion control and discharge plans and (iii) details of proposed tree wells.

Mr. Mastromonaco and the Board requested a copy of the 1987 Stipulation from the Health Department that was included in the plans and the following:

- coverage calculations
- compliance with 2 ½ story rule
- location vis-à-vis the watershed
- clarification of the limitation on the number of bedrooms and bathrooms.

John Elwin, a neighbor, appeared and requested that the Application be required to go through full Site Plan approval.

The matter was carried over to the July 11th meeting.

IPB Matter #00-19:

**Application of Northwest Neu Corp. for
Modification of Site Development Plan
Approval for property at Riverview Road.**

John Neubauer appeared for the Applicant. His letter of May 23, 2001 is attached to these Minutes. The Board noted that the Applicant had submitted plans with the requested changes to mitigate tree damage. Plans submitted were: Site Plan, Northwest Neu Corp. by Federico Associates revised May 21, 2001, and Neubauer Residence, Water and Sanitary Sewer Service by John Dedyo revised May 21, 2001. The Board and Mr. Mastromonaco discussed the difficulties with the “private” water main serving the residence, and the Applicant confirmed various steps he had taken to mitigate the problem. The Board approved the modification to the previous Site Plan Approval subject to the following:

- Placement of water shut-off valve at the property line
- Acknowledgement that no building permit will be issued by the Building Inspector until dedication of the sewer has been accepted by the Village Board of Trustees.
- Confirmation of the dedication of the water line easement under the road.

IPB Matter #00-28:

**Application of Bridge Street Properties, LLC for
Site Development Plan Approval for property at
One Bridge Street.**

John Kirkpatrick, Esq., Walter Sedovic, and Bill Thompson appeared for the Applicant. The Application relates to the proposed construction of an office building at Two West Main Street.

The Applicant presented pictures of the site taken from the Hudson River looking to the shore, and drawings entitled: Two West Main Street prepared for Bridge Street Properties by Walter Sedovic Architects dated May 23, 2001, Sht. T-01, SU-02,A-100,A-101,A-102,A-103,A-104,A-200,A-201,A-202,A-203,A-204,A-205,A-206,A-207,A-208. The plans indicated the demolition of an existing structure to the southeast of the proposed new building; the Building Inspector indicated that a demolition permit had been issued.

Mr. Mastromonaco indicated that he had not been able to confirm the parking calculations submitted by the applicant due to a lack of complete survey and other details on the property and existing improvements. A full analysis of the available and proposed parking indicating compliance with zoning requirements was requested. The applicant agreed to review the calculation with Mr. Mastromonaco.

John Kirkpatrick and the Village Counsel agreed to confer on language that will link the parking lot on the north side of West Main Street to the remainder of the property where the buildings are located, notwithstanding subsequent changes to the property, including ownership changes. Such language may be included in filed Deeds.

The Building Inspector indicated that he was expecting a report regarding fire access issues from the Village Fire Inspector. The Planning Board requested a complete survey of the property, as to date they have only received a partial survey.

The Board indicated that it would hold a Public Hearing to be held on August 8th subject to its receipt of the materials discussed at this meeting prior to the July 11th meeting.

IPB Matter #00-40:

**Application of Astor Street Associates, LLC
for Subdivision and Site Development Plan
Approval for property at Astor Street.**

Paul Sirignano appeared for the Applicant. The Application relates to the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one bedroom units, 4 of which would be at specified below market rental rates. The Village Board of Trustees has received an Application for a Special Permit under the provisions of the Zoning Ordinance's Industrial District, and had request recommendations from the Planning Board as part of the Planning Board's consideration of Subdivision and Site Plan Approval.

David Barbuti, the Applicant's architect, submitted revised drawings and explained that changes were made to the site plan with regard to turning radii around the building. Drawings submitted were: Site and Utility Plan prepared for Trinity Development, Astor Street dated February 29, 2001 revised May 25, 2001 (2 sheets), and Proposed Dwelling Units for Astor Street Assoc., LLC Astor Street, Prepared by Studio RAE, Architectural Design, P.C., dated September 9, 2000, revised May 16, 2001, (6 sheets).

The Board reviewed the zoning variances that will be required:

- Creation of a new story (5th story)
- Off-street parking (depending upon the calculation of spaces after agreements are reached with Metro North and application of landscaping)
- Frontage
- Access through parking lot.

The Applicant explained that it would be securing sewer and water easements across the Trent property up to Buckhout Street; the Board requested copies of the agreements, as well as more complete details of the retaining walls. The Board requested that the drawings specify where existing houses are located and reflect [USGS] conversion numbers and a report on Fire Department access to the property.

A neighbor, Mr. Rosson, appeared to express concern about the development for the following reasons:

- erosion control

- privacy (the top windows of the development should be privacy glass)
- destruction of an adjacent natural habitat.
- Mr. Rosson agreed to allow surveyors on his property to complete topographic studies.

The matter was carried over to the July 11 meeting.

IPB Matter #01-26:

**Application of Danfor Realty Co., LLC for
Subdivision Approval for property at
Harriman Road.**

Mr. Paul Petretti, Civil Engineer and Land Surveyor, appeared for the Applicant. This Application relates to the subdivision of land on Harriman Road. The Applicant explained that the property at the corner of Shady Lane had not yet been conveyed. The Board confirmed its earlier position that the matter would not be considered until such conveyance was recorded.

The Board then considered the following administrative matters:

- The next regular meeting of the Planning Board was scheduled for July 11, 2001.
- The Minutes of April 4, 2001 and April 25, 2001 were approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary